

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

SHIRE LLC,

Plaintiff,

V.

NEOS THERAPEUTICS, INC.,

Defendant.

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Civil Action No. 3:13-CV-1452

## **JOINT STIPULATION OF DISMISSAL**

This action for patent infringement having been brought by Shire LLC (“Shire”) against Neos Therapeutics, Inc. (“Neos”) for infringement of United States Reissued Patent Nos. RE 42,096 and RE 41,148 (the “Patents”);

Solely with respect to Neos' Product and Neos' NDA, Neos acknowledges that all the claims in the Patents are valid and enforceable in all respects;

Neos and Shire have entered into a Settlement Agreement and a License Agreement, under which Shire will grant Neos a non-exclusive license to the Patents (“the License”); and

Solely with respect to Neos' Product and Neos' NDA, Neos acknowledges that, but for the License, its New Drug Application No. 204326 ("Neos' NDA") infringes the Patents and that by making, selling, offering for sale, using and/or importing into the United States of the product described in Neos' NDA ("Neos' Product") would infringe each of the Patents.

IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, and

subject to the approval of the Court that: (i) Shire's claims of patent infringement concerning Neos' NDA and Neos' Product against Neos are dismissed with prejudice; (ii) Neos' counterclaims of declaratory judgment of non-infringement and invalidity of the Patents are dismissed with prejudice, solely with respect to Neos' NDA and Neos' Product; and (iii) solely with respect to Neos' NDA and Neos' Product, all the claims in the Patents are valid and enforceable and would be infringed by making, selling, offering for sale, using and/or importing into the United States Neos' Product. Each party must bear its own costs, attorneys' fees, and expenses incurred in connection with the allegations and defenses mentioned above.

Submitted: August 13, 2014

Respectfully submitted,

**SAYLES WERNER, P.C.**

**HUNTON & WILLIAMS, LLP**

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 13, 2014, I served the foregoing document on all counsel of record by electronic mail via the Court's ECF system.

/s/ Mark D. Strachan  
Mark D. Strachan